

you to vote against adoption of this amendment. There are other amendments passing that I think are much more reasonable, I'll get into them in a minute. I don't regret my statement that this is not a compromise, it is a deal. I think when I quoted Lincoln, he was talking about a courtroom situation where you are representing a designated client, you have a designated party on one side, and a designated party on another side, and you are trying to resolve a dispute between two parties. This is not that type of situation. You have a small group of prosecutors on one side, you have a small group who have joined the Defense Attorneys Association, and they've made a deal, and they don't affect their membership or their particular clients, because there are a lot of attorneys who do not belong to the Defense Attorneys Association who represent individuals. And we, as a Legislature, represent a group of clients, if you will, and those clients are our constituents. It is our obligation not to prejudice or jeopardize their interests in order to accommodate some type of deal worked out by the prosecutors and the defense attorneys. The Attorney General's Opinion, to me, is really irrelevant. I mean there are lots of matters that are said to be constitutional that we don't pass. I mean if we passed every bill just because we could get an Attorney General's Opinion saying it was constitutional, we would have a mess of legislation that would be completely unreasonable. As a matter of fact my priority bill was a bill to have separate teaching contracts for persons with extra curricular duties. I'm sure I could have got an AG's opinion that said it was constitutional. But the problem was a policy issue, and there was a disagreement about that, and Senator Lamb raised that disagreement, and the bill happened to be killed. I think it was unwise, but I don't think I could have stood up and argued that just because it was constitutional it should have passed. Lastly, I think there is an implicit assumption that anyone who refuses to take a breathalyzer or intoxilyzer test is guilty. I hear Senator Hall saying, well we want to get it on the record that these guys are guilty. The fact of the matter is there are a lot of persons who refuse to take the breathalyzer or intoxilyzer, not because they are guilty, but just because they don't understand. It is the young, 16 or 18-year-old driver who is picked up and is scared and doesn't know what to do and says, I don't know what to do, I don't know whether to take it or not, I'm not going to take it, I think I've got a right not to take it. Or it is the housewife who may have driven for 20, 30 years, and maybe she's taken some medication, or maybe she's drowsy and they pick her up, late, and they take her in and say,